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| APPLICATION NO.                           | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/765,024                                | 01/26/2004  | Jacek Grabiec        | 1842.010US1         | 1301             |
| 70648                                     | 7590        | 11/28/2008           | EXAMINER            |                  |
| SCHWEGMAN, LUNDBERG & WOESSNER/WMS GAMING |             |                      | DEODHAR, OMKAR A    |                  |
| P.O. BOX 2938                             |             |                      | ART UNIT            | PAPER NUMBER     |
| MINNEAPOLIS, MN 55402                     |             |                      | 3714                |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                       |
|------------------------------|--------------------------------------|---------------------------------------|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/765,024 | <b>Applicant(s)</b><br>GRABIEC, JACEK |
|                              | <b>Examiner</b><br>OMKAR A. DEODHAR  | <b>Art Unit</b><br>3714               |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 October 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-35 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-35 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)

Paper No(s)/Mail Date 10/16/2008

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

**Final Rejection**

**Response to Amendment & Arguments**

This is responsive to the amendment submitted 10/16/2008.

Applicant has amended the claims to recite that game technical information is reported to a game administrator while in a service or configuration mode & the audio module is made operable to report game technical information by a game administrator causing the computerized gaming system to leave the game mode & enter the service or configuration mode. New claims 33-35 recite the same & further, detecting malfunction causes the game system to leave the game mode.

Applicant argues that Shibasaki does not teach a service or configuration mode distinct from a user mode because Shibasaki's voice prompts enable relatively unsophisticated users to resolve minor problems such as clearing a paper jam. Applicant further argues that the prior art does not teach a wagering game system having a normal user mode in which a user can play a game & a separate configuration of service mode accessible to a game administrator. Examiner respectfully disagrees for the following reasons:

Wolf discloses presenting technical information to a game administrator via a series of configuration & troubleshooting menus (Wolf, Figures 22-26). A game administrator troubleshooting the system is operating in a different mode than an ordinary user & causes the system to leave a normal game mode & enter into a service mode.

Shibazaki teaches configuration or service modes such as fixing paper jams where an audio message is outputted responsive to detection of a jam. Note that until the jam (or "malfunction") is serviced or fixed, the system continues to generate audio messages (See Shibazaki's Figure 6 & loopback to Figure 5 Step A if the condition is not fixed). Thus, in the event of a jam, an unsophisticated user (a person incapable of fixing the jam himself) would alert an administrator & the administrator would service the machine. Once the condition is resolved, the unsophisticated user would be able to resume normal operation of the machine.

When combined with Wolf's teaching of game technical information presented to a game administrator via a series of configuration and troubleshooting menus, the claim limitations are taught.

All claims are respectfully rejected.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23, 25-30, and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf et al. (US 2004/0072611 A1, hereinafter Wolf) in view of Shibazaki et al. (US 4,459,673, hereinafter Shibazaki).

Re claims 1, 10, 12, 21, 23, 27-30, 33-35: Wolf discloses a computerized gaming system comprising a gaming module/controller 100, comprising a processor 104 and gaming code/program memory 102 which is operable when executed on the processor to conduct a game of chance on which monetary value can be wagered (see Fig. 3; ¶ [0057]; ¶ [0006]), and an audio module/sound circuit 112 and speakers 62 (see Fig. 3). Wolf further discloses game technical information may be presented to a game administrator via a series of configuration and troubleshooting menus (see Figs. 22-26). A game administrator troubleshooting the system is operating in a different mode than an ordinary user & causes the system to leave a normal game mode & enter into a service mode.

However, Wolf fails to disclose the audio module is operable to report information comprising game technical information to the game administrator by a voice played via the audio module, wherein the audio module is made active to report game technical information as a result of a wagering game malfunction.

Shibasaki discloses a copier equipped with a system for transmitting information by voice. The copier informs the user of malfunctions (e.g. paper jams, or out of paper) by a voice (see abstract; col. 1, line 43 - col. 2, line 4).

Therefore, in view of Shibasaki, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the feature of reporting game technical information via a voice in response to a malfunction in order to provide an alternative or supplementary way of informing operators of errors. Error indicators, such as a buzzer or display, may be missed or overly distracting (see col. 1, lines 19-40). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the monitoring system of Shibasaki to the gaming machine of Wolf in order to monitor the state of gaming machine. Such a combination constitutes the use of a known technique (monitoring a machine and using voice warning messages) to improve similar devices in the same way.

Re claims 2 and 3: The teachings of Wolf as modified by Shibasaki as applied to claim 1 above have been discussed. Wolf further discloses the computerized gaming system comprises a mechanical user interface/mechanical reel slot machine interface (see ¶ [0051], lines 1-3).

Re claim 4: The teachings of Wolf as modified by Shibasaki as applied to claim 1 above have been discussed. Wolf further discloses the game technical information comprises a game setup menu/game options and a game troubleshooting menu/diagnostics (see Figs. 22-26).

Re claims 5 and 6: The teachings of Wolf as modified by Shibasaki as applied to claim 1 above have been discussed. Shibasaki further discloses the audio module is operable to report error condition information upon actuation by a game administrator (i.e. when the door is open) (see abstract).

Re claim 7: The teachings of Wolf as modified by Shibasaki as applied to claim 1 above have been discussed. Wolf discloses a monitoring module operable to monitor the state of one or more components of the computerized gaming system (event logs, see Figs. 22-26; monitors bets, see Fig. 8). The system of Shibasaki also monitors components (in this case, a copier) and is operable to report the monitored information

to a technician/operator via a voice (see abstract; Figs. 5 and 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the monitoring system of Shibasaki to the gaming machine of Wolf in order to monitor the state of gaming machine. Such a combination constitutes the use of a known technique (monitoring a machine and using voice warning messages) to improve similar devices in the same way.

Re claim 8: The teachings of Wolf as modified by Shibasaki as applied to claim 1 above have been discussed. Shibasaki further discloses that audio module is operable to convey information regarding a current copying action (analogous to an executing game of chance) (see col. 6, lines 23-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the monitoring system of Shibasaki to the gaming machine of Wolf in order to monitor the state of gaming machine. Such a combination constitutes the use of a known technique (monitoring a machine and using voice warning messages) to improve similar devices in the same way.

Re claim 9: The teachings of Wolf as modified by Shibasaki as applied to claim 1 above have been discussed. Shibasaki further discloses the audio module is operable to report information comprising technical information when the machine/copier is not functioning (e.g. a paper jam) (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the monitoring system of Shibasaki to the gaming machine of Wolf in order to monitor the state of gaming machine. Such a combination constitutes the use of a known technique

(monitoring a machine and using voice warning messages) to improve similar devices in the same way.

Re claim 11: The teachings of Wolf as modified by Shibasaki as applied to claim 1 above have been discussed. The audio module of Shibasaki is inherently operable to report information in at least one language since it reports the information by voice (see abstract).

Re claims 13 and 14: The teachings of Wolf as modified by Shibasaki as applied to claim 12 above have been discussed. Wolf further discloses the computerized gaming system comprises a mechanical user interface/mechanical reel slot machine interface (see ¶ [0051], lines 1-3).

Re claim 15: The teachings of Wolf as modified by Shibasaki as applied to claim 12 above have been discussed. Wolf further discloses a game setup menu/game options and a game troubleshooting menu/diagnostics (see Figs. 22-26).

Re claim 16: The teachings of Wolf as modified by Shibasaki as applied to claim 12 above have been discussed. Shibasaki further discloses the technical information comprises error condition information (see abstract).

Re claim 17: The teachings of Wolf as modified by Shibasaki as applied to claim 12 above have been discussed. Shibasaki further discloses the game technical information is reported upon actuation by the game administrator. The system produces voice only when manual-starting or door-opening is sensed which would be performed by an administrator (see abstract).

Re claim 18: The teachings of Wolf as modified by Shibazaki as applied to claim 12 above have been discussed. Wolf further discloses monitoring the state of one or more components of the computerized gaming system (event logs, see Figs. 22-26; bet monitoring, see Fig. 8). The system of Shibazaki also monitors components (in this case, a copier) and is operable to report the monitored information to a technician/operator via a voice (see abstract; Figs. 5 and 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the monitoring system of Shibazaki to the gaming machine of Wolf in order to monitor the state of gaming machine. Such a combination constitutes the use of a known technique (monitoring a machine and using voice warning messages) to improve similar devices in the same way.

Re claim 19: The teachings of Wolf as modified by Shibazaki as applied to claim 12 above have been discussed. Shibazaki further discloses that audio module is operable to convey information regarding a current copying action (analogous to an executing game of chance) (see col. 6, lines 23-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the monitoring system of Shibazaki to the gaming machine of Wolf in order to monitor the state of gaming machine. Such a combination constitutes the use of a known technique (monitoring a machine and using voice warning messages) to improve similar devices in the same way.

Re claim 20: The teachings of Wolf as modified by Shibazaki as applied to claim 12 above have been discussed. Shibazaki further discloses the audio module is

operable to report information comprising technical information when the machine/copier is not functioning (e.g. a paper jam) (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the monitoring system of Shibasaki to the gaming machine of Wolf in order to monitor the state of gaming machine. Such a combination constitutes the use of a known technique (monitoring a machine and using voice warning messages) to improve similar devices in the same way.

Re claim 22: The teachings of Wolf as modified by Shibasaki as applied to claim 12 above have been discussed. The audio module of Shibasaki is inherently operable to report information in at least one language since it reports the information by voice (see abstract).

Re claim 25: The teachings of Wolf as modified by Shibasaki as applied to claim 23 above have been discussed. Wolf further discloses the computerized gaming system comprises a game having a mechanical interface operable to convey results of the game of chance (see ¶ [0051]), lines 1-3).

Re claim 26: The teachings of Wolf as modified by Shibasaki as applied to claim 23 above have been discussed. Wolf further discloses the audio module is further operable to convey audio to a player of the game of chance (see ¶ [0050]).

Re claim 32: The teachings of Wolf as modified by Shibasaki as applied to claim 27 above have been discussed. Shibasaki further reporting information to a game administrator through voice via an audio module in a selected language (at least one language is inherently selected by the designer).

Claims 24 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf and Shibasaki as applied to claims 23 and 27 above, and further in view of Wesemann et al. (US 6,731,724 B2, hereinafter Wesemann).

The teachings of Wolf and Shibasaki as applied to claims 23 and 27 above have been discussed. Wolf further discloses information is contained in menus.

However, Wolf and Shibasaki fail to disclose reporting information to a game administrator via an audio module comprises conveying a hierachal menu by voice.

Wesemann teaches hierachal menus conveyed by voice (see Fig. 6; col. 4, lines 25-29).

Therefore, in view of Wesemann, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add hierachal menus conveyed by voice in order to provide an interactive menu to the game administrator so that the administrator can navigate more efficiently through the information.

#### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMKAR A. DEODHAR whose telephone number is (571)272-1647. The examiner can normally be reached on M-F: 8AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OAD/

/Corbett Coburn/  
Primary Examiner  
AU 3714